THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 10802 of 2005

DATED:24-11-2005

Between:

Vuyyuru House Sites Struggle Committee, Rep. by its President, Smt. Kolla lakshmi,W/o. Ramu, aged about 35 Years, R/o. Vuyyuru, Krishna District, Andhra Pradesh.

..... PETITIONER

AND

1 The Assistant Engineer, Kankipadu Section, Irrigation Department, Kankipadu, Krishna District, Andhra Pradesh.
2 The Joint Collector, Krishna District, Machilipatnam, Andhra Pradesh.
3 The Mandal Revenue Officer, Vuyyuru, Vuyyuru Mandal, Krishna District, Andhra Pradesh.
4 V. Veerabhadra Rao S/o. late Gopala Rao Totlavalluru Road, Vuyyuru, Krishna District
R4 is impleaded as per court order dt. 25-10-2005 in WPMP 26600 of 2005

.....RESPONDENTS

THE HONOURABLE MS.JUSTICE G. ROHINI

W.P.NO.10802 OF 2005

ORDER:

Heard the learned counsel for both the parties and perused the material on record.

The writ petition has been filed by Vuyyuru House Sites Struggle Committee, which is said to have been formed in the year 2002 for the cause of the poor and working class for securing house sites. It is stated that the said committee consists of persons below the poverty line i.e. S.T., B.C., and Minority, who are living as daily wage workers and hawkers. It is stated that the members of the petitioner committee have been in occupation of Canal Bund lands of Kapileswarapuram New Canal and since they are facing much difficulty, they made a representation dated 11-4-2004 requesting the Joint Collector, Krishna District to allot house sites to them. In the said representation, they have also stated that Ac.13-67 cents of land situated in R.S.No.584/3 of Vuyyuru village belonging to Sree Someswara Swamy Temple as well as Ac.1.42 cents of land in R.S.No.560/1 belonging to the Irrigation Department are vacant and the same are suitable for allotment of house sites to the members of the petitioner committee. In pursuance of the said representation, the Mandal Revenue Officer having conducted the necessary enquiry, identified certain vacant lands situated in Survey Nos. 650 and 584/3 of Vuyyur Village and he also addressed a letter dated 8-9-2004 to the Gram Panchayat, Vuyyur, asking them to convey their willingness for allotment of the said lands to the members of the petitioner committee. As can be seen from the letter dated 10-10-2005 addressed by Panchayat Secretary, Vuyyur Gram Panchayat, the Gram Panchayat has passed a resolution approving the allotment of Ac.1-42 cents of land situated in R.S.No.650 of Vuyyur within the area of Vuyyur Gram Panchayat for allotment of land to the landless poor. However, the petitioner committee alleges that while the proceedings are pending, the respondents have been taking steps to dispossess them high

handedly. Hence this petition seeking a direction to the respondents to consider the representation of the petitioner committee dated 11-4-2004 for allotment of house sites and to direct the respondents not to demolish their houses situated in RS.No.644,645, 646 and 653 of Vuyyur village.

This Court while granting Rule nisi, by order dated 29-04-2005, directed the respondents to consider the representation of the petitioner committee within two weeks and further directed till such time, the members of the petitioner committee shall not be dispossessed from the land in their occupation.

Though no counter affidavit has been filed, the learned Government Pleader for Irrigation under instructions states that the petitioner committee has encroached the Canal Bund lands and the said encroachment is obstructing free flow of water to Ayacut lands consisting Ac.6,000 and therefore, it is necessary to remove the encroachments at the earliest. It is also relevant to note that one V.Veerabhadra Rao got himself impleaded as 4th respondent in the writ petition stated that he is the Ayacutdar under the Kapileswarapuram New Canal and since the encroachments of the Canal Bund have been obstructing the free flow of water to Ayacutdars, they made representation on 29-03-2005 requesting the District Collector, Krishna District to take immediate steps for removing the encroachments. Since there was no response, they filed W.P.No.9566 of 2005 which was disposed of by this court by order dated 26-4-2005 directing the District Collector, Krishna, to consider the representation of the petitioners therein and to take necessary action within three months. The learned counsel submits that in spite of the said order of this court in W.P.No.9566 of 2005, the encroachments have not been removed. By virtue of interim order granted in this writ petition, the members of the petitioner committee, who are admittedly encroachers, have been continuing in possession of the Canal Bund lands and consequently Ayacutdars are unable to cultivate their lands.

Having heard the learned counsel and having regard to the material placed before this court, it is clear that as on today, the Mandal Revenue Officer,Vuyyur, has already identified certain lands for allotment of house sites to the members of the petitioner committee. Though the members of the petitioner committee are encroachers and they are in occupation of the Canal Bund lands, since admittedly they are landless poor and proceedings are pending for allotment of house sites, they cannot be dispossessed without allotting the house sites as sought by them, for

which the respondents have already initiated the proceedings.

In the circumstances, I deem it just and proper to dispose of the writ petition with a direction to the respondents 1 to 3 to expedite the proceedings initiated for allotment of house sites to the members of the petitioner committee as identified by the Mandal Revenue Officer in Survey No.650 of Vuyyur Gram Panchayat and to take further steps as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the members of the petitioner committee shall not be dispossessed from the lands in their occupation wherein they are residing as on today. No order as to costs.

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24-11-2005

Stp